

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICK CODERE, DAWN KING, MICHAEL CEMAZAR, TRAVIS STRANG, ROBERT SCHNEIDER, DOUGLAS McCARTNEY, JANEL HANSEN, JENNIFER SARTORI, NANCY JEROME, REBECCA SINGER, ELIZABETH CALDWELL, BONNIE FULTON, SEAN STEWART, CICELEY LAWSON, TERRY McNALLY, LISA BILLIG, CHRISTOPHER FOERG, PETER STIDE, CRAIG DeVOOGD, MARTIN MORALES, CRAIG MARTIN, STEVEN LAWRENCE, KATHLEEN RACITI, EDWARD MYNNING, MICHELE LANCE, GARY GIFFORD, JR., DAVID FEELEY, MAURO CERVANTES, JAMIE COOK, CHARLOTTE DEMATTEO, CHERYL CHRISTOPHER, DEBORAH CAUFFIEL, SUSAN COBB, RYAN MAINZ, MICHAEL WATCHOWSKI, WILLIAM TUCKER, BRIAN ZASADNY, WILLIAM STANFORD, MIKE ANDERSON, CHRISTOPHER FITZPATRICK, MICHAEL LENCIOMI, AMY ELLINGER, THOMAS TANNER, KEVIN WARNER, HENRY FORBES, ELIZABETH CORNELL, KENT NEIGEBAUER, ERIC BOWLES, ELIZABETH PATTEN, COLLEEN McCARTHY, RONALD ROSS, GEORGE FOX, JASON ZOGAIB, ED DRESLINSKI, SCOTT STONER, KEVEN KLEITSCH, JOANN BUIWITT-SHAFER, RONALD McLENNAN, JEFF FLYNN, JAIME CRAWFORD, DENNIS DeGRAND, MARK BRAYTON, VADA MURRAY, PETER TSANGARIS, GEOFFREY SPICKARD, JERRY TACEY, GREG JONES, LAURA BURKE, DAVID MONROE, SHANNON KENNY-SANDERS, MIKE MONTGOMERY, SCOTT FOUTY, LINDSAY DIETRICH, NOEL SCOTT, DANIEL IVERSON, LUKE HINES, KEVIN CHOW, KATHLEEN VONK, JOHN ELKINS, ROBYN GILLEN, CRAIG LEE, ERIC FREIER, ROBIN LARSON, MARK RAAB, KRIS LEYRER, ROBERT PFANNES, KEVIN HARDING, REBECCA OTTS, SHANE DENNIS, PAT OUELLETTE, STEVEN DYE, MICHAEL DORTCH, SHELLIE KUZDAL, DOUGLAS MARTELLE, JEFF ROBINSON, DAVID REID, JEFFREY FORD, BRETT PADDOCK, ERIC RONEWICZ, SCOTT ZELENY, TRECA MARANTE, PATRICK MAGUIRE, JASON GOLD, THOMAS ARREOLA, BRETT HANSEN, JOON HUR, JEANETTE JEROE, KATIE NUCCI, AIMEE METZER, JACK FOSTER, CHAD

02-73979

US District Court No.

Hon AVERN COHN

MAGISTRATE JUDGE CARLSON

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U.S. DIST. COURT CLERK
EAST. DIST. OF MICHIGAN
DETROIT, MICHIGAN

SWAN, CHRISTOPHER WOOLEY, MATT LIGE,
PHIL SAWICKI, MARK DEFRAIN, SAMUEL
JAMES, STEVEN JOHNSON, KEITH ROBINS,
and CHARLES GRAHAM,

Plaintiffs,

vs

CITY OF ANN ARBOR, a Municipal Corporation,

Defendant.

HELVESTON & HELVESTON, P.C.

By: Ronald R. Helveston (P14860) ✓

Charles T. Oxender (P57440)

Attorneys for Plaintiffs

65 Cadillac Square, Suite 3327

Detroit, Michigan 48226

(313) 963-7220

COMPLAINT AND JURY DEMAND

NOW COME Plaintiffs, Patrick Codere, Dawn King, Michael Cemazar, Travis Strang, Robert Schneider, Douglas McCartney, Janel Hansen, Jennifer Sartori, Nancy Jerome, Rebecca Singer, Elizabeth Caldwell, Bonnie Fulton, Sean Stewart, Ciceley Lawson, Terry McNally, Lisa Billig, Christopher Foerg, Peter Stide, Craig Devoogd, Martin Morales, Craig Martin, Steven Lawrence, Kathleen Raciti, Edward Mynning, Michele Lance, Gary Gifford, Jr., David Feeley, Mauro Cervantes, Jamie Cook, Charlotte Dematteo, Cheryl Christopher, Deborah Cauffiel, Susan Cobb, Ryan Mainz, Michael Watchowski, William Tucker, Brian Zasadny, William Stanford, Mike Anderson, Christopher Fitzpatrick, Michael Lencioni, Amy Ellinger, Thomas Tanner, Kevin Warner, Henry Forbes, Elizabeth Cornell, Kent Negebauer, Eric Bowles, Elizabeth Patten, Colleen McCarthy, Ronald Ross, George Fox, Jason Zogaib, Ed Dreslinski, Scott Stoner, Kevin Kleitsch, Joann Buiwitt-Shafer, Ronald McLennan, Jeff Flynn, Jaime

Crawford, Dennis DeGrand, Mark Brayton, Vada Murray, Peter Tsangaris, Geoffrey Spickard, Jerry Tacey, Greg Jones, Laura Burke, David Monroe, Shannon Kenny-Sanders, Mike Montgomery, Scott Fouty, Lindsay Dietrich, Noel Scott, Daniel Iverson, Luke Hines, Kevin Chow, Kathleen Vonk, John Elkins, Robyn Gillen, Craig Lee, Eric Freier, Robin Larson, Mark Raab, Kris Leyrer, Robert Pfannes, Kevin Harding, Rebecca Otts, Shane Dennis, Pat Ouellette, Steven Dye, Michael Dortch, Shellie Kuzdal, Douglas Martelle, Jeff Robinson, David Reid, Jeffrey Ford, Brett Paddock, Eric Ronewicz, Scott Zeleny, Treca Marantette, Patrick Maguire, Jason Gold, Thomas Marreola, Brett Hansen, Joon Hur, Jeanette Jerore, Katie Nucci, Aimee Metzer, Jack Foster, Chad Swan, Christopher Wooley, Matt Lige, Phil Sawicki, Mark Defrain, Samuel James, Steven Johnson, Keith Robins, and Charles Graham, by and through their attorneys, HELVESTON & HELVESTON, P.C., and complains against the City of Ann Arbor, defendant herein, as follows:

JURISDICTION AND VENUE

1. Plaintiffs bring this action to enforce the rights of employees to use accrued compensatory time under the provisions of the Fair Labor Standards Act of 1938, as amended, 29 USC §201 et seq., hereinafter referred to as "the FLSA" or "the Act."
2. Jurisdiction over this action is conferred upon the Court by Section 16(b) of the Act, 29 USC § 216(b). This Court also has jurisdiction pursuant to 28 USC §1337 and 28 USC §§2201(a) and 2202.
3. Venue is proper in this District pursuant to 28 USC §1391(b) and (c).

PARTIES

4. Plaintiffs, Patrick Codere, Dawn King, Michael Cemazar, Travis Strang, Robert Schneider, Douglas McCartney, Janel Hansen, Jennifer Sartori, Nancy Jerome, Rebecca Singer,

Elizabeth Caldwell, Bonnie Fulton, Sean Stewart, Ciceley Lawson, Terry McNally, Lisa Billig, Christopher Foerg, Peter Stide, Craig Devoogd, Martin Morales, Craig Martin, Steven Lawrence, Kathleen Raciti, Edward Mynning, Michele Lance, Gary Gifford, Jr., David Feeley, Mauro Cervantes, Jamie Cook, Charlotte Dematteo, Cheryl Christopher, Deborah Cauffiel, Susan Cobb, Ryan Mainz, Michael Watchowski, William Tucker, Brian Zasadny, William Stanford, Mike Anderson, Christopher Fitzpatrick, Michael Lencioni, Amy Ellinger, Thomas Tanner, Kevin Warner, Henry Forbes, Elizabeth Cornell, Kent Negebauer, Eric Bowles, Elizabeth Patten, Colleen McCarthy, Ronald Ross, George Fox, Jason Zogaib, Ed Dreslinski, Scott Stoner, Kevin Kleitsch, Joann Buiwitt-Shafer, Ronald McLennan, Jeff Flynn, Jaime Crawford, Dennis Degrand, Mark Brayton, Vada Murray, Peter Tsangaris, Geoffrey Spickard, Jerry Tacey, Greg Jones, Laura Burke, David Monroe, Shannon Kenny-Sanders, Mike Montgomery, Scott Fouty, Lindsay Dietrich, Noel Scott, Daniel Iverson, Luke Hines, Kevin Chow, Kathleen Vonk, John Elkins, Robyn Gillen, Craig Lee, Eric Freier, Robin Larson, Mark Raab, Kris Leyrer, Robert Pfannes, Kevin Harding, Rebecca Otts, Shane Dennis, Pat Ouellette, Steven Dye, Michael Dortch, Shellie Kuzdal, Douglas Martelle, Jeff Robinson, David Reid, Jeffrey Ford, Brett Paddock, Eric Ronewicz, Scott Zeleny, Treca Marantette, Patrick Maguire, Jason Gold, Thomas Marreola, Brett Hansen, Joon Hur, Jeanette Jerore, Katie Nucci, Aimee Metzer, Jack Foster, Chad Swan, Christopher Wooley, Matt Lige, Phil Sawicki, Mark Defrain, Samuel James, Steven Johnson, Keith Robins, and Charles Graham, are employees or former employees (within the three years immediately preceding the filing of this lawsuit) of the City of Ann Arbor Police Department, within the meaning of Section 3(e)(2)(C) of the Act, 29 USC §203(e)(2)(C).

5. Defendant City of Ann Arbor is a municipal corporation and an employer within the meaning of Section 3(d) of the Act, 29 USC §203(d).

STATEMENT OF CLAIMS

6. Within the three years immediately preceding the filing of this complaint, each of the plaintiffs was employed by the defendant City of Ann Arbor in its Police Department.

7. At various times during the three year period immediately preceding the filing of this complaint, each of the plaintiffs worked hours entitling him to overtime compensation at a rate one and one-half times the regular rate at which he was then employed, as provided by Section 7(k) of the Act, 29 USC §207(k).

8. The plaintiffs, through their exclusive bargaining agent, the Ann Arbor Police Officer's Association, have an agreement with defendant City to accept compensatory time in lieu of payment for overtime hours worked as provided by section 7(o) of the Act, 29 USC §207(o).

9. During the three years immediately preceding the filing of this complaint and continuously to the date hereof, Defendant City of Ann Arbor has failed and/or refused to allow plaintiffs to use their accrued compensatory time as provided by Section 7(o), 29 USC §207(o) of the Act

10. Defendant's refusal to allow plaintiffs to use accrued compensatory time has damaged plaintiffs in clear violation of the Act, and there is now a sum due and owing from the defendant to each of the plaintiffs, in an amount which has not yet been determined by them.

11. It has been necessary for plaintiffs to retain the services of an attorney to institute and prosecute this action against the defendant. Each plaintiff has indicated, in writing, his consent to participate in this action. Pursuant to Section 16(b), 29 USC §216(b) individual consent forms are attached as exhibit 1. Plaintiffs have employed the attorneys now appearing herein on their behalf and plaintiffs will be required to expend reasonable attorneys fees for said

attorney in the interest of this action and expend other costs and expenditures necessarily incurred and have agreed to pay said attorneys for their services herein.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiffs, Patrick Codere, Dawn King, Michael Cemazar, Travis Strang, Robert Schneider, Douglas McCartney, Janel Hansen, Jennifer Sartori, Nancy Jerome, Rebecca Singer, Elizabeth Caldwell, Bonnie Fulton, Sean Stewart, Ciceley Lawson, Terry McNally, Lisa Billig, Christopher Foerg, Peter Stide, Craig Devoogd, Martin Morales, Craig Martin, Steven Lawrence, Kathleen Raciti, Edward Mynning, Michele Lance, Gary Gifford, Jr., David Feeley, Mauro Cervantes, Jamie Cook, Charlotte Dematteo, Cheryl Christopher, Deborah Cauffiel, Susan Cobb, Ryan Mainz, Michael Watchowski, William Tucker, Brian Zasadny, William Stanford, Mike Anderson, Christopher Fitzpatrick, Michael Lencioni, Amy Ellinger, Thomas Tanner, Kevin Warner, Henry Forbes, Elizabeth Cornell, Kent Negebauer, Eric Bowles, Elizabeth Patten, Colleen McCarthy, Ronald Ross, George Fox, Jason Zogaib, Ed Dreslinski, Scott Stoner, Kevin Kleitsch, Joann Buiwitt-Shafer, Ronald McLennan, Jeff Flynn, Jaime Crawford, Dennis Degrand, Mark Brayton, Vada Murray, Peter Tsangaris, Geoffrey Spickard, Jerry Tacey, Greg Jones, Laura Burke, David Monroe, Shannon Kenny-Sanders, Mike Montgomery, Scott Fouty, Lindsay Dietrich, Noel Scott, Daniel Iverson, Luke Hines, Kevin Chow, Kathleen Vonk, John Elkins, Robyn Gillen, Craig Lee, Eric Freier, Robin Larson, Mark Raab, Kris Leyrer, Robert Pfannes, Kevin Harding, Rebecca Otts, Shane Dennis, Pat Ouellette, Steven Dye, Michael Dortch, Shellie Kuzdal, Douglas Martelle, Jeff Robinson, David Reid, Jeffrey Ford, Brett Paddock, Eric Ronewicz, Scott Zeleny, Treca Marantette, Patrick Maguire, Jason Gold, Thomas Marreola, Brett Hansen, Joon Hur, Jeanette Jerore, Katie Nucci, Aimee Metzer, Jack Foster, Chad Swan, Christopher Wooley, Matt Lige, Phil Sawicki, Mark Defrain,

Samuel James, Steven Johnson, Keith Robins, and Charles Graham, pray judgment against defendant City of Ann Arbor for the following relief:

- (1) A Declaratory Judgment pursuant to 28 USC §2201(a), declaring unlawful and in violation of Section 7(o) of the Act, 29 USC §207(o), defendant's failure and/or refusal to allow plaintiffs to properly use accrued compensatory time as required under Section 7(o) of the Act, 29 USC §207(o);
- (2) Award plaintiffs judgment in the amount of the respective denials of use of accrued compensatory time due and owing to each of them during the three years immediately preceding the commencement of this action, plus an additional amount as liquidated damages as provided by Section 16(b) of the Act, 29 USC §216(b), together with interest thereon;
- (2) Award plaintiffs a reasonable attorney's fee to be paid by the defendant, as provided by Section 16(b) of the Act, 29 USC §216(b), together with the costs of the action; and
- (3) Award plaintiffs such other and further relief as is just and appropriate under the circumstances at the time of judgment.

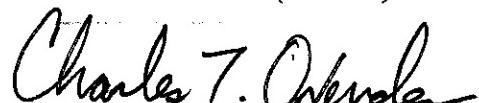
HELVESTON & HELVESTON, P.C.

BY:



Ronald R. Helveston (P14860)

BY:



Charles T. Oxender (P57440)

Attorneys for Plaintiffs
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Detroit, Michigan 48226
(313)963-7220

Dated: October 4, 2002

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

**SEE CASE FILE FOR
ADDITIONAL
DOCUMENTS OR PAGES
THAT WERE NOT
SCANNED**